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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,206	06/28/2001	Robert A. Koch	60027.0008US01	7102
39262	7590	12/10/2004	EXAMINER	
BELLSOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			JAROENCHONWANIT. BUNJOB	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 12/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/894,206		KOCH ET AL.	
	Examiner		Art Unit	
	Bunjob Jaroenchonwanit		2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 are 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Perrone (US. 6,157,705).
3. Regarding claims 1 and 12, Perrone discloses an IVR system comprising a server that capable of providing visual information and audible information, at the same time e.g., a Visual Interactive Voice Response (VIVR) system, for delivering information to a user during a VIVR session, comprising: a VIVR Server operative to send voice-based information to a telephone and to send visual-based information to a networking device, in response to the receipt of a VIVR session request; and a session identification number database operative to maintain a VIVR session identification number (session ID) that identifies the telephone and the networking device (Fig. 1B, illustrated a servers system, incorporate for providing functionalities in response to a client request; Col. 6, lines 34-66; Col.7, lines 10-46; Col. 8, lines 21-36; Col. 8, line 64-Col. 9, line 39; Col.12, lines. 34-45).
4. Regarding claims 2-4, Perrone discloses the VIVR session is initiated, in response to a determination that the networking device can be connected to the VIVR Server via a VIVR Server host website (Col. 9, lines 9-39).

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5. Regarding claim 5, Perrone discloses the VIVR Server determines an identity of the networking device by obtaining the session ID from the session identification number database (Col. 8, lines 21-36; Col. 8, line 64-Col. 9, line 39).

6. Regarding claim 6, Perrone discloses the networking device and the telephone are the same device (Device 4, Fig. 2b, is capable of functioning both function, e.g., phone application and browser).

7. Regarding claim 7, Perrone discloses the VIVR system of claim 1, wherein the networking device is capable of communicating in accordance with a Transport Control Protocol/Internet Protocol (TCP/IP) protocol (device 4, Fig. 2b communicate over internet (IP) using TCP/IP suite protocol).

8. Regarding claim 8, Perrone discloses the telephone is capable of communicating in cooperation with an Advanced Intelligent Network, in accordance with a Signaling System 7 (SS7) protocol (Fig. 1 shown telephone connected to PSTN network, capable of communicate over SS7, seems to be inherent feature, since telephone network AT THE TIME OF Perrone was made SS& had readily been adopt for telephone network).

9. Regarding claim 9, Perrone discloses the VIVR session request is a DTMF key code entry received from the telephone (session is establish using call signaling from telephone, Col. 8, lines 65-67).

10. Regarding claims 13-15, Perrone discloses a method for simultaneously delivering voice-based information and visual-based information to a user, the method comprising the steps of: establishing an Internet connection between the user and a server; establishing a telephonic connection between the user and the server; delivering the voice-based information to the user

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over the telephonic connection; delivering the visual-based information to the user over the Internet connection; and modifying the delivery of the voice-based information in response to receiving a user instruction over the Internet connection (Col.12, lines 36-45).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 10-11 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrone as applied to claims 1-9, and 12-15 above, in view of what was well known in the art.

13. Regarding claims 10-11, 16, Perrone discloses the invention substantially, as described in the rejection of claim 1, including using IVR server as a gateway for voice interaction. Perrone does not explicitly state the used of a specific VXML. Official Notice is taken that VXML is a well known standard, which had been developed simplifying the using is voice recognition or voice interaction applications. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a well-known standard software, in which has been designed for the particular purpose, if it was not done so, with the motivation of gaining system designing simplicity.

14. Regarding claims 17-19, Perrone and well-known art discloses making a determination that a Session Identification Number (Session ID) exists in a Session ID Database (Col. 8, lines 21-36; Col. 8, line 64-Col. 9, line 39).

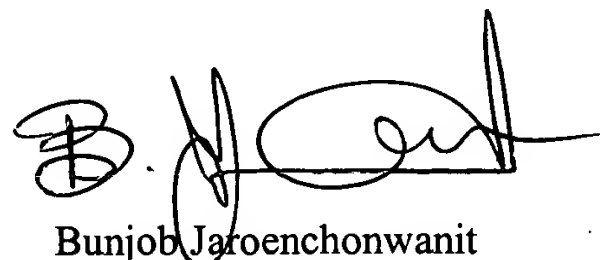
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15. Regarding claim 20, Perrone and well-known art, discloses the delivery of the voice-based information and the delivery of the visual-based information is coordinated, by modifying a future delivery of voice-based information and modifying a future delivery of visual-based information, in accordance with the first user instruction and in accordance with the second user instruction (Col.12, lines 36-45).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
12/07/04